

**CITY OF TAKOMA PARK, MARYLAND  
(ADOPTED 12/13/04)**

**REGULAR MEETING & WORKSESSION  
OF THE CITY COUNCIL**

**Monday, March 8, 2004**

**OFFICIALS PRESENT:**

Mayor Porter	City Manager Finn
Councilmember Austin-Lane	City Clerk Waters
Councilmember Barry	ECD Director Daines
Councilmember Elrich	Landlord-Tenant Coordinator Walker
Councilmember Mizeur	Public Works Director Mr. Lott
Councilmember Seamens	Assistant City Attorney Perlman
Councilmember Williams	City Police Captain Coursey

The City Council convened at 7:32 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Mr. Seamens requested information on the terms of Mr. Finn's resignation. He read in the newsletter that Mr. Finn is simply stepping down at the end of June but that he will continue to be employed through the end of the year.

Mr. Barry announced that on March 17, 7:00 p.m. at Recreation Center on New Hampshire Avenue, there will be a meeting of the Hillwood Manor Neighborhood Association. The Police Chief will be in attendance.

Ms. Porter announced that she, Suzanne Ludlow and Howard Kohn attended a hearing on the bond bill that contains a request for community center monies. We were well received by the committee. Staff did a nice job of putting together presentation materials.

Mr. Finn announced that copies of those presentation materials are being made for the Council.

Ms. Porter suggested that competition for bond bill funding is going to be very competitive. This is the first year, after two years of no bond bill funding, that requests are being considered. We got a positive response. It is clear that to them that our project is under construction as compared to other competing projects.

## **ADDITIONAL AGENDA ITEMS**

None.

## **FOR THE RECORD**

- Mayoral Proclamation extending Condolences to the Family of June Aloï
- Mayoral Proclamation extending Condolences to the Family of Edward William Hutmire

## **ADOPTION OF MINUTES**

None.

## **PUBLIC COMMENT PERIOD**

Edward Sharp, Glaizewood Court expressed his condolences to both the families of June Aloï and Ed Hutmire. They will be missed in their support for the 4<sup>th</sup> of July Committee. He said that his comments this evening are on the Silver Spring - Takoma Park Thunderbolts. Mr. Sharp noted that many of the Councilmembers have supported the team in past years. He requested that the Council enter into a partnership with the team. This is the same request I made last year, so that the team can access certain City resources (e.g., web page postings and articles in the City Newsletter). He thanked Bob Guldin for his assistance last year with the Newsletter. Mr. Sharp will talk to appropriate staff about information on the web page. He is really looking forward to putting up a banner on the library grounds.

Ms. Porter said she will put a brief item on an upcoming Council agenda.

## **COUNCIL COMMENTS**

Ms. Austin-Lane noted a recent e-mail that requested a response. It concerned the recent holiday Monday during which a resident observed some construction taking place at 11:00 p.m.

Mr. Finn said that the request has been forwarded to the contractor for a response. More information will be provided to the Council.

## **REGULAR MEETING**

### **1. Resolution re: Memorandum of Understanding (MOU) - Urciolo Properties.**

Ms. Daines referred to the package item materials. She described the content of the MOU which deals with the first phase of the parking garage construction (i.e., project design and development, financial responsibilities for project design and development for City and Mr. Urciolo, community outreach, final design review—review by the Council and submission to the Historic Preservation Commission, timetable, Phase 2—construction and operation of the proposed Old Town parking garage, and general provisions). She noted the upcoming meetings

related to the project. Sunday, March 21 there will be an open house at Mr. Urciolo's office at 2:00 p.m.

Ms. Austin-Lane requested a listing of all the dates/times for the public meetings. The Old Town Carroll Association should be included in the outreach effort.

Ms. Daines will confirm all of the dates with the Council. She continued with summary of the provisions in the MOU. She highlighted the provision stating that neither the City nor Urciolo are obligated to move forward to Phase 2. The expectations are identified. The specifics of each were stated.

Mr. Williams said he has already provided a copy of his edits and changes to Ms. Daines. In the resolution, change in the first "whereas" in the listing of lot numbers. In the fifth "whereas" clause, reference Urciolo Properties, LLC (make consistent throughout). In the MOU, delete text "...for use by the public."

Ms. Porter observed the need to also make that change in the resolution.

Mr. Williams noted that on page 2 of 5, it should refer to Urciolo as an entity (not an individual) and make related pronoun changes. In the community outreach section, he would like to add "...such as but not limited to height, building materials, stormwater management and landscaping..." This is particularly important to the Westmoreland Area Community Organization (WACO).

Ms. Daines said that OTBA will meet tomorrow at 9:00 a.m.; she will work with the group to see what makes more sense for them in terms of their ongoing agenda. The Facade Advisory Board will be meeting tomorrow. On Wednesday, WACO will be meeting at Takoma Tower. On Thursday night at 7:30 p.m., there will be a meeting here with Historic Takoma. There are a couple of meetings that still need to be scheduled.

Ms. Austin-Lane expressed concern that the meetings have not been better publicized. The Council does not even know of the meetings.

Ms. Porter explained her understanding of the outreach, meetings that staff would set up with the interested groups and a public forum.

Ms. Daines clarified that these are the various association meetings that were already scheduled. We have been placed on their agendas. We have not advertised their meetings for them. There will be a community-wide meeting that will be more broadly advertised. That will be our meeting that we will be staffing and providing the presentation, to be held in late March.

Ms. Daines said she can set the date/time next week when the required persons are available. She will give a few weeks notice. She can move the meeting back if the Council would like.

Ms. Austin-Lane expressed concern that this is not better organized.

Mr. Barry said he wants to have more information regarding parking enforcement and meter collections as we move forward in considering the future of the project.

Mr. Elrich said he is still not comfortable with this and will vote to oppose the resolution tonight. In part, related to Mr. Barry's comments. We do not have sufficient information to know whether this will be of benefit to the City. I do not like that the MOU leads to a long-term lease agreement. Mr. Urciolo might later decide to lease the lot to the City at a rate this is not attractive to the City. The lot would then revert back to his sole use. We should not vote on this until we know the final sale price and the terms of the final deal. This locks us into a process.

Mr. Finn said that it was set up this way precisely because of the concerns Mr. Elrich has expressed. The Council is being asked tonight to direct the staff to move forward with an analysis of the proposal. This does not lock the City into any final determination. He said that the only risk the City has is if we cannot obtain enough revenue to take care of the operational elements of the project. This analysis will provide more information. This is a good deal from the City's perspective. If the City had to go in and develop the parking on its own in an area that desperately needs it, the City would pay a lot more.

Mr. Elrich said that he cannot tell at this point whether this parking garage will provide any surplus parking beyond what is needed by Mr. Urciolo for his development.

Mr. Finn noted that there are already funds committed to this project.

Mr. Williams added, money that was given for this was for this parking facility. The study was to figure out the answers to the questions that we need to resolve before going to Phase 2.

Ms. Porter advised, cannot get answers to the questions without this analysis. She is comfortable with the language in the MOU and explanation that has been given, that we have complete protection and can decide not to proceed to Phase 2.

Mr. Elrich said that there is no agreement on the final disposition of the property. The final decision comes way late in the process. We should have that discussion earlier in the process. Why can't we go forward with community meetings without this MOU?

Ms. Porter replied, if we do not go forward with an MOU, how do we get the answers to the questions?

Ms. Austin-Lane commented that the City spent previous funds without an MOU. She is uncomfortable with some of the language in the MOU, specifically the part about structuring the agreement between the City and Mr. Urciolo.

Ms. Porter asked, are you asking to take out all of the Phase 2 language?

Ms. Austin-Lane replied, we didn't spend adequate time discussing the Phase 2 provisions.

Mr. Williams said, all it is in there for is to identify the kinds of things that are going to be addressed in the analysis. Would it hurt to take it out of the MOU?

Ms. Daines replied, no.

Mr. Elrich said, if we sign this MOU, it says we are agreeing that we will negotiate with Mr. Urciolo when the analysis is done.

Ms. Porter and Mr. Williams disagreed.

Mr. Finn confirmed the Council has given staff direction that in the next agreement all of the final terms will be stated.

Mr. Elrich stated, that is not how the provision under Section 6 is written.

Mr. Finn clarified that Mr. Urciolo wants to know that the Council is interested in proceeding.

Ms. Porter asked, what if we take out Section 6? Does the same understanding remain?

Ms. Daines suggested to keep Section 6(a) and the statement about the parties not being bound. All that Section 6(b) does is outline the remaining things to be considered.

Ms. Austin-Lane observed, in Section 2(b) there is reference to the costs to be paid by the City. I want to be sure that there are no references to the sections that are being deleted.

Ms. Austin-Lane and Mr. Barry offered changes to the language of the MOU (and Mr. Williams' comments; Ms. Austin-Lane's addition to the outreach listing; and deletion of Section 6(b)).

Mr. Seamens thanked Mr. Urciolo for his commitment to the project and for working with the City.

Ms. Porter said that she thinks that Mr. Elrich's comments are good, but we should not lose sight of the larger picture. This is potentially a very good deal for the City. We have long heard the need for more parking in Old Town. Parking has been a problem for the merchants, residents and others who shop in Old Town. We are moving forward very slowly—the right way to do it. She encouraged the Council to keep the larger purpose in mind.

Mr. Elrich noted his support to go out for the grant in the Fall and the design study. He wants to be sure that this primarily goes to the public benefit. He has no objections to Mr. Urciolo experiencing a gain out of this project, but wants to be sure that his gains do not wind up coming out of the citizenry in general. When we have the rest of the numbers to show that it will go well, I will support the project.

Ms. Austin-Lane said that she agrees that this is good for the public and business community. I am very disappointed with the staff work on this project. I recognize that staff is stretched thin with other projects. We do not get notice of meetings. The oversight of staff is unacceptable.

Mr. Williams said he has been very happy with the notice that he has received of meetings in his community. He has been happy with the work that has taken place.

Ms. Porter said that she understands that there are two points of view on this. We should move forward now.

Mr. Barry said, any future for economic development will definitely be benefitted by more parking. He would like to see this a success.

Ms. Porter clarified that the Council is deciding today to move forward with a more in-depth analysis of the project. We are committing to getting the answers to the questions that have been raised. I agree with the comments that we need certain detailed information that will come out of the analysis.

Resolution #2004-12 was adopted unanimously, as amended (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**RESOLUTION #2004-12**  
**(Attached)**

**2. 1<sup>st</sup> Reading Ordinance re: Takoma Park Transportation Committee.**

Ms. Daines described the ordinance. The name was changed from “Safe Roadways Committee” to broaden the scope of the committee’s mission. The committee would serve in an advisory role to the Council. Their purpose is stated. The proposal is for a membership of 7 persons, including a member of the PSCAC. The committee would like representation from each ward. We are proposing staggered 3-year terms. There has been discussion about whether the term limits should apply to representatives of other organizations.

Ms. Porter suggested a revision “...members with 3-year terms can be appointed to a maximum of two terms...”

Ms. Austin-Lane said that she did not understand the need for term limits.

Ms. Porter said the initial rationale was to set turn-over. Does the Council want to strike the language about term limits?

Council consensus to strike language about term limits.

Mr. Seamens asked, why was it included?

Ms. Daines said the intent was to allow for some turnover (opportunity for new ideas to be brought to the table).

Mr. Seamens said he agrees with the intent, but the Council could still meet that goal in making its decisions about appointments.

Mr. Williams pointed out that the usual solution to that situation is to expand the size of the committee.

Ms. Daines continued with explanation of the committee establishment.

Ms. Porter said, I would like to propose a change to Section 4 as it deals with the City's relation to other levels of government. There have been confusing situations in the past. This will be a fairly significant committee. I would rather that the committee do lobbying outside of the City only after Council's approval.

Mr. Williams stated, we are not trying to say that an individual cannot express personal opinion, only that they cannot represent themselves as speaking on behalf of the organization.

Ms. Daines offered, that is one of the points that we cover in orientation of advisory committees. In the field of transportation, there are a lot of organizations that do not have a direct relation to a governmental entity. These organizations can still have a very strong position with government entities in terms of credibility.

Mr. Williams said the issue is with how the member represents himself or herself.

Ms. Austin-Lane requested to take out "...to entities other than the Council..." The point is that a member not misrepresent their personal views as that of the committee or the Council.

Ms. Porter requested, in Section C(5) "...recommendations other than to the Council only as authorized by the Council..."

Mr. Finn commented on the rationale for including the language. It is not to take away from the Council but to save time in terms of policy positions that are already established, which he could authorize as the City Manager.

Ms. Porter offered "...only to the extent that it is consistent with established policy of the City or as authorized through formal action of the City Council..."

Mr. Elrich asked, are we going to make it clear that an individual can speak as an individual?

Ms. Porter advised that the Council should add something to say that this does not preclude members from speaking as individuals.

Ms. Mizeur proposed language.

Mr. Elrich said, it is relevant for a person to identifying himself as a member of a committee, just make it clear that he or she is not speaking on behalf of the committee or the City.

Ms. Mizeur agreed with the concern that we not have confusing situations, but it should also be structured in a way that is similar to ourselves and our interactions with other entities.

Ms. Porter proposed language "...This does not preclude committee members from presenting their views as individuals." This would be a second sentence. We have to be clear that to the extent they make their views known as a committee, the views be authorized by the Council or already established as City policy. It has to be something that the Council has vetted and that has been put out for public discussion.

Mr. Williams agreed.

Ms. Porter noted that she has taken a position in support of the College Park opposition to the expansion of an area roadway. I took that position as an individual.

Ms. Daines noted the section related to staffing and the associated costs. It will be assigned to the new associate planner. Ms. Daines commented on the duties of the committee.

Ms. Mizeur suggested that the reports be more frequent than annual.

Ms. Austin-Lane agreed that this would be important.

Ms. Porter stated the requirement has to be realistic. She would be happy to let them report as much as they would like, but would not want to set a requirement in law for anything more than annually.

Ms. Austin-Lane said it would be good to have a regular update from staff.

Ms. Porter suggested adding, "...provide additional briefings as required...."

Ms. Austin-Lane observed that the committee has been meeting monthly. Staff could come to Council with periodic briefings.

Ms. Porter said that she was not arguing that this might be desirable; she just questions whether it should put in the law.

Ms. Austin-Lane stated there is a need to set-up a structure to succeed. Right now, do not have that.

Mr. Seamens said, goals are important; I support setting milestones. A more frequent report to



the Council would be helpful and I would be comfortable with reports every three months or bi-annually.

Ms. Daines said, based on her experience with the Facade Advisory Board and the Arts and Humanities Commission, it took a few months to get things up and running (e.g., setting bylaws, etc.).

Ms. Austin-Lane observed that this group is different than either of the two you have mentioned. They are already up and running without our help. In the last year, we asked staff to assist their efforts. The committee is already established and really needs now to be formalized.

Mr. Finn said he understands that the chairperson is stepping down and several members are leaving. Currently we do not have a committee that is up and running.

Andy Keleman, Chair of PSCAC confirmed that.

Mr. Elrich said he was not supportive of quarterly reports. A lot of the issues that they will tackle will take a longer period of time. When they have proposals to make, they should feel comfortable coming to the Council for a discussion. I feel comfortable in letting them come to us as needed or at least once a year. Staff can provide more frequent reports.

Mr. Williams said he was not opposed to more frequent reports, but had concern about putting it in the language of ordinance. He might add something to Section E about reporting back to the Council as needed by Council or the committee based on the work.

Mr. Seamens asked what is going on to make people leave the committee? Is it related to becoming a sanctioned committee?

Mr. Keleman replied that there are a number of reasons why people leave committees. He has no idea why some people volunteer and then never show up. There are people who come once and when asked to do something, they don't show up or just don't produce work. There are two different kinds of committees. Sometimes people do not understand that they are on the hook for producing. Some come to committees to deal with pet projects and lose interest if their project is not the focus. One person resigned because of a perceived conflict of interest. There was one person who never showed up. There were some who never did anything but show up and talk at meetings; no production in between meeting dates. The committee is still a good idea.

Ms. Porter proposed some language for Section E "...and provide updates to the Council on a schedule decided by the Council and committee..."

Ms. Austin-Lane noted that she would prefer the name "Safe Roadways Committee."

Mr. Keleman said that after more than forty years in the profession he has refused to worry about names. He spoke as an individual providing his own opinions and as member of PSCAC and ex-

chair of the committee. He thinks that a 3-year appointment, seven member composition, and the requirement of having a majority to hold a meeting are all provisions that will put a damper on the committee's activities. There is also the difficulty of resigning a non-participating member. In the past, he had to look up the City Code provision for how to resign a non-participating member. The committee as a whole has to request that the Council remove someone from the committee. This is a handicap with a small committee.

Mr. Elrich asked for confirmation whether Mr. Keleman was asking for a larger committee.

Mr. Keleman said he was suggesting that for the first few months as there will be non-productive members who will identify themselves through their actions. He would suggest more members. He would prefer to see that a majority of committee is required to take an official action or vote. They could still have a working meeting with less than a majority.

Ms. Porter responded, if we change the appointments from 3 years to 2 years, and do as suggested regarding the "majority" requirement, she would be a little uncomfortable with making the committee larger based on assumption that there will be some no-shows.

Ms. Austin-Lane asked, isn't there a provision to drop inactive members?

Mr. Keleman said the PSCAC has a committee policy to remove members who miss a certain number of meetings. He would have to request that the Council take the action to remove a member.

Ms. Daines stated that the bylaws for the Facade Advisory Board and the Arts and Humanities Committee, which have been enacted as regulations, both have this provision. She commented on experience with member attendance. When there has been sufficient notice and interaction, they have not had to cancel a meeting because of an absence of majority/quorum. She would disagree with Mr. Keleman's position regarding the elimination of the majority requirement for a meeting.

Andy Keleman added, with the Safe Roadways Committee we have had instances where we did not have a majority in attendance.

Mr. Seamens said it sounds like there is an element of communication that is enhanced by staff involvement.

Ms. Daines described the level of staff support.

Ms. Porter said she was uncomfortable with the notion of making the committee bigger. There are valid concerns, but I am not sure how to address them. We could have a couple of the committee members speak at the second reading about these concerns.

Mr. Williams said, the committee will fall under the Open Meetings Act. It would not be a

formal meeting unless it meets the minimum of a quorum under law.

Ms. Porter summarized the proposed changes to the ordinance.

Moved by Austin-Lane; seconded by Seamens.

Ordinance #2004-8 was accepted unanimously, as amended (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**ORDINANCE #2004-8**  
**(Attached)**

**3. 1<sup>st</sup> Reading Ordinance re: Construction Management Contract.**

Ms. Walker explained the recommendation to award a contract for capital improvements inspections. The K&S Construction company was introduced into this process in October 2003, and staff feels that they have been a positive contribution to the process. The cost is about \$12,500. There are currently funds in the FY04 HCD budget to continue the program.

Moved by Williams; seconded by Elrich.

Ms. Porter agreed that it has very much improved the process.

Ms. Mizeur asked, is there any way to recoup the cost for this from a petition that ends up not even a good faith effort at having done any improvements. This would put the onus on the landlord.

Mr. Finn added that they are looking at putting a fee on the application.

Ms. Mizeur observed, it would be interesting to explore how to protect the City from requests that are not in good faith.

Mr. Barry said he recently received some important correspondence about the City's Rent Stabilization Law. Is that scheduled for discussion?

Ms. Porter commented on the re-codification process. This will be coming forward in the near future for Council's discussion.

Mr. Seamens thanked Ms. Walker for her work on this. It has patched a big hole in the process.

Ordinance #2004-9 was accepted unanimously, as amended (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**ORDINANCE #2004-9**

(Attached)

## **BREAK**

The Council recessed for a scheduled break at 9:16 p.m. and reconvened in Worksession.

## **WORKSESSION**

### **4. Community Center Construction.**

Ms. Porter explained that this is a discussion about the next thing that the Council needs to decide related to the community center construction, including the option for a Library facade.

Mr. Finn noted the expiration date on the price for the facade option. We have asked the contractor for a 30 day extension on the expiration date. Right now, we do not have the funding in hand to go forward with this option. Based on Council's previous direction not to proceed with any option for which there are no funds, he is making recommendation not to proceed with the facade. The cost that is before the Council is estimated at \$152,000 for the facade (maybe, a little more or less, but would be fairly close). The contractor said that he could not hold the prices because the cost of materials are going up rapidly. There is a tremendous building boom overseas and the supplies are being bought up rapidly. The architect suggested that we should factor a 10% increase in the facade cost if it is put back into the project later. The current quoted price will expire on March 12.

Ms. Porter confirmed that we have the option of rebidding the work.

Mr. Finn said, we could do that, but if the Council is going to do this work while construction is on-going, would probably want to use the same construction company.

Ms. Austin-Lane asked, aren't we talking about standard brick?

Ms. Porter commented that there is no such thing as standard brick.

Mr. Finn added, it would require fabrication of metal for the facade. The bricks have been ordered and some are on the grounds of the library.

Ms. Austin-Lane asked, have we consulted our project management firm on this issue (i.e., whether Knott is the best contractor for this work)?

Mr. Finn confirmed that this has been discussed. They shared the concern about changing contractors.

Mr. Seamens requested clarification, pointing to the last page of financial information, please identify the committed monies.

Mr. Finn replied, referring to the column of “pending expenditures.” He said funds are available for Abell & Associates and Charron. The modifications to the administration area and renovation of the top floor are an alternative. He will be making a presentation in two weeks regarding the remaining alternatives. He hopes to have better information about the County and State monies by that time.

Ms. Austin-Lane said, it is unfortunate that we are missing the facade deadline by only a few days.

Mr. Williams clarified that the alternate #5 is the money that was originally in the base contract that the Council voted to pull out until monies were appropriated by the County. He said much of this work was internal.

Mr. Seamens asked whether the Knott Construction monies is the remaining money that has not been paid out.

Mr. Finn confirmed, yes. The project manager cost is for the staff project manager’s salary.

Mr. Williams explained the direction between Alternate #5.

Ms. Austin-Lane asked, since the \$690,000 plus is “uncommitted” why is it identified with the County monies?

Ms. Porter replied, this is required to make the interior habitable. Originally, there was \$750,000 needed, but this price came down; however, these were meant to be related.

Mr. Williams said, if we chose to use part of the money to do the facade and not the interior finishes, we would not get the use and occupancy permit.

Ms. Porter said, if we do not do the \$690,000 in work, the building cannot be occupied.

Mr. Elrich asked, do we know what the facade will look like, other than the rendering we have seen?

Mr. Williams said, we will get more details on that rendering. We will get more details on the interior and exterior design elements on March 22.

Ms. Porter observed there are two separate issues, only one being discussed this evening. There was discussion about whether Council wanted to include the library facade, and there was a sense of the Council supporting the facade inclusion. We will have a better sense of the money coming in after the deadline on the price extension. We are being asked tonight whether to commit to the facade.

Mr. Barry said, to be consistent with earlier direction, he would propose that not agree to the

facade this evening.

Mr. Williams agreed.

Mr. Elrich said he, reluctantly, he would have to agree. He wants the full financial picture.

Ms. Porter would agree with the comments made, but would like to think about this as a postponement. We can later decide to include the facade when more information is available about the cash flow.

Mr. Seamens said he was feeling awkward about making a decision on this project. He had a list of questions that he presented in February. He has not received responses to those questions. Mr. Finn offered a copy of minutes related to Council discussions on the community center; but I have not received the information. I am concerned about making any decisions on this project without better information. The cost of the facade will only go up. We should put a focus on the interior of the building. I agree that we should not do the facade at this time.

Mr. Williams said, regarding the minutes of the meetings, he received three copies and this may have been a mistake. He will give him one of his sets.

Ms. Austin-Lane said this deadline seems strategically placed to put the Council in an awkward position. We should have a Council discussion about oversight of the project. It might be wise to decide whether there should be a point person on the Council. We need to discuss things as they are on the radar screen and not be driven by these types of deadlines.

Mr. Williams said he would agree with the characterization. He still does not feel that he has enough information to predict potential problems and how to deal with them. He feels that he is still hunting for more information.

Mr. Seamens said he would like to participate in discussions where more information is being obtained by Councilmembers.

Ms. Porter observed that she is hearing that the Council is putting aside a decision on the facade and will bring it back for a future discussion.

Ms. Mizeur said she would support a future discussion. This is unfortunate. She would like to acknowledge some positive changes that have been made about bringing forth information to the Council. She appreciates that this Worksession piece includes the recommendation that staff does not feel comfortable committing to this expenditure. Also, she is pleased to note that future Council briefings are scheduled. This will help to avoid surprise moments. We obviously do not have the resources and it does not make sense to move forward with this piece at this time.

Mr. Seamens asked if there is an agenda item scheduled for a planning discussion related to the project?

Ms. Porter said she anticipates that Council will get a full briefing on March 22. She would like to come out of that discussion with a sense of how the Council will approach the rest of the project. That it might include some administrative elements. We will get through as much as we can on that evening.

Mr. Elrich added, this should come as less than a surprise than other things. We did direct Mr. Finn to go back to the contractor and negotiate deadline extensions. We should be less surprised by these things. The frustration is on the other hand – information about funding sources. Mr. Elrich said he hopes that we find a way to put the facade back into the project. The facade met a community interest. He is less concerned than before about the overview, in terms of who we are using as a resource. Charron Construction Consulting is a very reputable company. This project is actually fairly small compared to other projects they are managing. The biggest remaining problem is the constant flow of information to the Council about what is being experienced in the project and what we can anticipate. He said he does not feel clear about the other unanticipated things that need to be anticipated by Council.

Mr. Williams said, people should anticipate that an outcome of our March 22 discussion will be that there will be much more regular agenda time for updates and discussion and information on the community center process, until we get to a resolution point. The sense is that the kind of agenda time that the center didn't receive for a period of time will change to a much more proactive time on the agenda and engagement on the Council to see that the project is finished satisfactorily.

Ms. Porter agreed. She will be making recommendation that regular time be set aside on the Council's agenda for this discussion.

Mr. Seamens expressed the need to develop a strategic plan that takes into account available resources and how we proceed with the various possible funding outcomes.

Ms. Porter said she would like to have the discussion earlier, but March 22 was the best that architect could be prepared for.

Mr. Seamens asked when will he get responses to his questions of February 17?

Mr. Finn said he had passed them on to the architect who will be prepared to respond on March 22.

Mr. Seamens said it would be helpful to have the reply in advance so we would know what to ask the architect on March 22.

## **5. Capacity Building.**

Ms. Walker commented on the capacity building initiative and the objectives of the program. She noted the accomplishments of Mario Cristaldo and Rozanne Look.

Mario Cristaldo said, the nature of the program has been helping the buildings that we have been visiting in the past three and a half months. He remarked about the outreach to 8508-8510 Flower Avenue; 8208, 8206 and 8210 Roanoke Avenue (all owned by same person); 636 and 647 Houston; 7611 Maple; 407 Tulip; and 717 Sligo Creek Parkway.

Ms. Porter confirmed that 717 Sligo Creek Parkway is one of the buildings on Aspen Court.

Mr. Seamens said, he appreciates the important work that they are doing. He noted that he represents Ward 4. It does not look like you chose the most difficult challenges in the Ward to address. There are some others where tenants really need some guidance and training. I hope you will work on some of the more difficult challenges. I would like City staff to keep me better informed and involved in activities in my ward. I can assist with outreach.

Ms. Walker noted that information has been included in the weekly S&I. When we put a notice in the Newsletter, we got a response from 5-6 buildings in the ward. Those chosen in Ward 4 may not be the most difficult cases, we felt it was important to set some good examples of how a building can organize.

Ms. Walker said she received a call from a tenant on Lee Avenue who is very interested in working with tenants in that area.

Mr. Seamens asked for more of an explanation of the training that is taking place at 7611 Maple Avenue.

Rozanne Look said we have been responding to the tenants who have approached us. If you have information about other buildings, please provide it. Training topics include financial management, tenant association formation, meeting management, etc. Training for tenant groups are a little more tailored to the needs of the group.

Mr. Elrich thanked them for their work. He offered to attend any meetings when they feel it is important for him to be involved. It is important to involve the Council so that residents can see the level of support.

Mr. Barry said there are some locations in Ward 6 where there are opportunities for resident associations. He would like to discuss those.

Ms. Walker said that properties come to our attention in many different ways. She explained how Mario and Rozanne respond. She noted the system seems to be working very well.

Ms. Porter asked, what kind of priority do we give to buildings that come up for sale?

Ms. Walker said they are a priority.

Ms. Porter said, she assumes that there are cases where tenants don't know whether they are



interested since they may not fully understand the process.

## **6. Police Public Safety Communications System (PSCS).**

Captain Coursey summarized the item, providing an update on the project. He is here to request authorization for purchase of mobile computing client software for the police public safety communications system (PSCS, formerly PS2000). This is a one-time purchase of a license through the County's systems integration manager. We saved a lot of money buying the hardware rather than buying the package in one piece.

Mr. Seamens asked, are there other bells and whistles that are planned for the system?

Captain Coursey said, the final large step would be an RMS (offense reporting system) that would allow an officer to fill out a report from the car and submit it to the supervisor. It would be a paperless process. The County has switched the vendor for that component. The County is looking at other products, including E-Justice. They anticipate late this year to roll-out that part of the package.

Mr. Seamens asked if is there a cost differential to distributing the NCIC connection out in the field?

Captain Coursey replied there is in a hybrid situation. It can be run in the field, but it is also being run through Dispatch.

Mr. Seamens asked how does NCIC charge?

Captain Coursey said they charge by user but there are also some other costs. They had been using a system through Prince George's County until a few months ago.

Mr. Seamens asked, will there be an increase in costs for this system?

Captain Coursey replied, no. We would be paying for the user license for NCIC, regardless.

Mr. Williams noted a briefing at the Council of Governments about interoperability. One area was with respect to mobile data vendors. He asked the consultant whether this is going to get better. To what extent do we need to interface with Prince George's County and the District of Columbia? Do we have the work-arounds that make it possible to do what we need to do?

Captain Coursey stated there are a variety of levels for data sharing. NCIC interoperability already exists. He would not be sharing details of individual reports. If it is going to happen, the County would be more likely to facilitate the negotiation.

Ms. Porter said this item will come up as a legislative item next week.

## **7. Regulation of Utility Cuts.**

Mr. Lott reported his discussion with the City Manager about utility cuts in the roadways as we look forward to a lot of road work. We want to force utilities to better plan their activities and to be more proactive about making repairs to damage they cause in the streets. We want to set criteria for the repairs. One of the biggest frustrations is that utilities do not repair streets to our standards. We looked at the issue from the perspective of the standards for repairs and at the legal issues.

Ms. Perlman noted that the City has a regulation related to right-of-way standards. She suggested to Mr. Lott that they take a good look at the regulation and determine what can be determined through regulation versus City Code. She said that pursuant to law, WSSC can pretty much do whatever work that they want to do with notice to the City. She appreciates Mr. Lott's work but not sure whether to regulate through Code or regulation.

Ms. Porter asked, do we have any control over WSSC?

Mr. Lott replied, sometimes we do not find out about their work until the fact. Sometimes they use the emergency clause to go ahead with their streets cuts. He did note that they have been more proactive in setting their work schedule by better consulting with the City about street repairs. We want to make sure that the other utilities are complying. Many times, permits are requested and we can go on site and monitor the work. The emergencies are more difficult to control. He noted an instance of an emergency cut where contractor did not come back to install even a temporary patch.

Mr. Seamens recalled a previous Council trying to work with PEPCO on tree trimming. There was an MOU signed but it didn't have any teeth in the end. Are we spinning our wheels in this case?

Mr. Lott observed, the PEPCO tree trimming work is going fairly well. He suggested that he and Ms. Perlman meet about his recommendations, and that they could then call in representatives from the utilities.

Mr. Elrich said he supports some strict regulation.

Mr. Williams recalled the history of the regulation. He saw that we have regulations but do not use them, why did we stop using them?

Ms. Perlman noted that she had not been aware of the regulation until this recent discussion came up.

Mr. Williams said, one of the things that came out of that discussion had to do with the specific addition of a crack sealer around the patch. He referred to the suggested requirements (b)(4) and suggested that it not just be limited to "milling and overlay."

Ms. Perlman noted the requirements under State law for notice to jurisdiction.

Mr. Lott said, the coordination really needs to be worked out as it pertains to emergency work. Once we contact them about a correction, they respond pretty quickly. They are slow with the proactive work. They have to do a new RFP for each job.

Ms. Mizeur confirmed that it is already a requirement that WSSC return roads to the condition found? What is an effective enforcement?

Ms. Perlman stated there is no enforcement provision.

Ms. Mizeur asked, are you aware of any other municipalities that have taken legal action against a utility?

Ms. Perlman replied, no. The counties have the limited authority to require permits and to hold WSSC to requirements of regulations.

Ms. Mizeur asked if strengthening our Code would push the level of enforcement?

Ms. Perlman said, the standard would be defined in the regulation.

Ms. Porter asked, what is our strategy of dealing with this issue as a whole? It could be much more specific in our own Code, or we could make some changes and do more with respect to enforcement. She confirmed the staff proposal to further discuss, meet with utilities, and then come back with some recommendations.

Mr. Seamens suggested that an MOU might be a better approach.

Ms. Porter thinks it will work best to start with discussions at the staff level. There is a timeliness to this discussion since we are about to embark on a fairly large street project. We need some kind of understanding in place before the project gets underway.

Mr. Lott said, we have sent letters out to the utilities with the list of streets targeted for repair.

Mr. Williams recalled a conversation in 1997 and the importance of talking to the right contact at the utility company. He thought he might take this suggestion to the MML Chapter level and possibly later coordinate with the Prince George's County Chapter and take something to the league for State support.

Mr. Lott said he can bring the matter back to the Council in 30 days.

## **ADJOURNMENT**

The Council adjourned for the evening at 10:57 p.m.